

L. Edward Humphrey, Esq., NSB 9066
 Patrick O'Rourke, Esq., NSB 13557
HUMPHREY O'ROURKE PLLC
 201 W. Liberty Street, Suite 350
 Reno, Nevada 89501
 Tel: (775) 420-3500
 Fax: (775) 683-9917
ed@hlawnv.com
patrick@hlawnv.com
*Attorneys for Steven and Terre Baldwin,
 Big Water Investments, LLC, and Kevin
 Horowitz, sole proprietor of St. Helena
 Construction Company*

Louis M. Bubala III, Esq. NSB 8974
KAEMPFER CROWELL
 50 W. Liberty St., Ste. 1100
 Reno, Nevada 89501
 Tel: (775) 852-3900
 Fax: (775) 327-2011
lbubala@kcnvlaw.com
Attorneys for Rock & Rose, Inc.

Seth J. Adams, Esq., NSB 11034
WOODBURN AND WEDGE
 6100 Neil Rd., Ste. 500
 Reno, Nevada 89511
 Tel: (775) 688-3300
 Fax: (775) 688-3088
sadams@woodburnandwedge.com
Attorneys for Woodburn and Wedge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

 SCOTT A. CORRIDAN,

 Debtor.

Case No.: 22-50366-hlb
 Chapter 7

Adv. No. 23-05013-hlb

EDWARD M. BURR, in his capacity as
 Chapter 7 Trustee for the bankruptcy estate of
 SCOTT CORRIDAN,

Plaintiff,

vs.

STEVEN BALDWIN; TERRE BALDWIN;
 BIG WATER INVESTMENTS, LLC, a
 Nevada limited liability company; ROCK &
 ROSE, INC.; WOODBURN & WEDGE; and
 KEVIN HOROWITZ, sole proprietor of ST.
 HELENA CONSTRUCTION COMPANY,

Defendants.

DISPUTED LIEN CLAIMANTS'
COUNTERMOTION FOR JUDGEMENT
ON THE PLEADINGS OR, IN THE
ALTERNATIVE, COUNTERMOTION
FOR SUMMARY JUDGEMENT
AGAINST TRUSTEE ON CLAIMS 1-4
AND 6, AND REQUEST FOR COURT TO
DIRECT ENTRY OF FINAL
JUDGEMENT

Hearing Date: March 29, 2024
 Hearing Time: 1:30 p.m.

Creditors and Defendants Steven and Terre Baldwin (collectively, “Baldwins”), Big Water Investments, LLC (“Big Water”), Kevin Horowitz, sole proprietor of St. Helena Construction Company (“Horowitz”), Rock & Rose, Inc. (“Rock”), and Woodburn and Wedge (“Woodburn” and together with Baldwin, Big Water, and Rock the “Disputed Lien Claimants”), through their undersigned counsel of record, file this Countermotion for Judgment on the Pleadings or, in the Alternative, Countermotion for Summary Judgment Against the Trustee, in response to *Plaintiff’s Motion for Judgement on the Pleadings or, in the Alternative, Motion for Summary Judgement Against all Defendants on Claims 1-4 and 6, and Request for Court to Direct Entry of Final Judgement*, initially filed on January 12, 2024, at Adv. ECF No. 20 (“MSJ”).^{1, 2}

MEMORANDUM OF POINTS AND AUTHORITIES

For the reasons set out in the *Disputed Lien Claimants’ Joint Opposition To Plaintiff’s Motion For Judgment On The Pleadings Or, In The Alternative, Motion For Summary Judgment Against All Defendants On Claims 1-4 And 6, And Request For Court To Direct Entry Of Final Judgment* filed on February 16, 2024, at Adv. ECF No. 37, which is fully incorporated herein by this reference, the Disputed Lien Claimants submit that entry of judgment in their favor is appropriate on all lien related claims alleged in the Trustee’s Amended Complaint, filed October 13, 2023, at Adv. ECF No. 6. *See In re Calder*, 94 B.R. 200, 203 (D. Utah 1988) (stating, “[u]nder Rule 56, the Court, upon motion by one party for summary judgment [also] has the power to grant summary judgment against the moving party and in favor of the non-moving party, although the latter has not filed a cross-motion for summary judgment”).

¹ All References to “Bankruptcy Case” are to the underlying bankruptcy case of Scott A. Corridan, case no. 22-50366-HLB, all references to “BK ECF No.” and/or “BK DE” are to the docket entries in that Bankruptcy Case and all references to “Adv. ECF No.” and/or “Adv. DE” are to docket entries in this adversary proceeding. All future references to “Code,” “Section,” and “§” are to the Bankruptcy Code, Title 11 of the United States Code, unless otherwise indicated.

² This version of the Countermotion is being refiled to replace Adv. ECF No. 39, per the Notice of Docketing Error entered at Adv. ECF No. 42.

1 Accordingly, the Disputed Lien Claimants request entry of a final judgment in their
2 favor on the Trustee's First, Second, Third, and Fourth Claims for relief asserted in the
3 Amended Complaint, as well as all aspects of the Trustee's Sixth Claim for relief that implicate
4 the First through Fourth Claims for Relief.

5 DATED: February 20, 2024.

6 **HUMPHREY O'ROURKE PLLC**

7
8 **By:** /s/ L. Edward Humphrey

9 L. Edward Humphrey, Esq.
10 *Attorneys for Steven and Terre Baldwin, Big
Water Investments, LLC, and Kevin Horowitz, sole
proprietor of St. Helena Construction Company*

11 **KAEMPFER CROWELL**

12 **WOODBURN AND WEDGE**

13 **By:** /s/ Louis M. Bubala III

14 Louis M. Bubala III, Esq.
15 *Attorneys for Rock & Rose, Inc.*

16 **By:** /s/ Seth J. Adams

17 Seth J. Adams, Esq.
18 *Attorneys for Woodburn and Wedge*